THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO.16810 of 2007:

Date:07.08.2007

Between:

G.Madhusoodhan and another .....Petitioner

And/-

The S.H.O.P.S.,Ramgopalpet and two others.
....Respondents.

ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in summoning the petitioners every day to the police station without registering any crime and without due process of law and harassing severely by illegally demanding to arrange Rs.5,00,000/-, as illegal and arbitrary.

It is the case of the petitioners that they are working with the third respondent-C.M.S. Securitas Ltd. and every day they used to go to Andhra Bank, Koti and collect the cash through the concerned employee of the third respondent and load the cash in the A.T.M. machines after physical cash verification.

While so, both the petitioners collected the cash from the employee of the third respondent at Koti, Andhra Bank and loaded the cash in the various A.T.M. machines on 19.07.2007. On 21.07.2007 the first petitioner and other employees of the third respondent after collecting the cash, visited the A.T.M. machines for loading the cash. On physical cash verification of the A.T.M. machine of Andhra Bank A.T.M., KIMS Hospital, Secunderabad, they found that there is a shortage of Rs.5,00,000/- and immediately they have informed the same to the Manager of the

Company.

It is stated that the first petitioner made a complaint to the first respondent with regard to the shortage of the cash. It is stated that the third respondent also adjusted the deficit cash to the Andhra Bank. As the third respondent suspected both the petitioners and two other employees stating that the petitioners and others have committed theft by opening A.T.M. machine doors, on the said complaint, the first respondent without registering the case against the petitioners and others, using coercive methods to recover the said money and also illegally demanding to arrange cash of Rs.5,00,000/-.

If the first respondent illegally demanding the petitioners to pay the said amount of Rs.5,00,000/- without registering the case, the petitioners would have made a representation before the superior officers about the same. But, without making any such representation before the superior officers viz. the second respondent or the Commissioner of Police, Hyderabad, a writ of mandamus cannot be issued and hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH,J

Date:07.08.2007
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